

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2243 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 13 DB 2016
	:	
v.	:	Attorney Registration No. 312682
	:	
DANIEL JAMES DOMENICK,	:	(Allegheny County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 23rd day of February, 2017, upon consideration of the Verified Statement of Resignation, Daniel James Domenick is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 2/23/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

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Petitioner	:	
	:	No. 13 DB 2016
v.	:	
	:	Attorney Registration No. 312682
DANIEL JAMES DOMENICK	:	
Respondent	:	(Allegheny County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

Paul J. Killian
Chief Disciplinary Counsel

Paul J. Burgoyne
Deputy Chief Disciplinary Counsel

District IV Office
Frick Building, Suite 1300
437 Grant Street
Pittsburgh, PA 15219
(412) 585-3173
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THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA



OFFICE OF DISCIPLINARY COUNSEL
www.padisciplinaryboard.org

February 10, 2017

Disciplinary Counsel-in-Charge
Angelea Allen Mitas

Disciplinary Counsel
Mark G. Weitzman
Samuel F. Napoli
Cory John Cirelli
David M. Lane
Susan N. Dobbins
Jana M. Palko
William R. Friedman

Julia M. Frankston-Morris, Esquire
Secretary
Disciplinary Board: Executive Office
Pennsylvania Judicial Center
601 Commonwealth Ave., Ste. 5600
P. O. Box 62625
Harrisburg, PA 17106-2625

RECEIVED
2/10/2017
PA Disciplinary Board
Office of the Secretary

Re: Office of Disciplinary Counsel v.
DANIEL JAMES DOMENICK
No. 2243 Disciplinary Docket
No. 3
No. 13 DB 2016 - Disciplinary Board and
File Reference Nos. C4-16-56, C4-16-68,
C4-16-72, C4-16-73, C4-16-97, C4-16-99,
C4-16-100, C4-16-109, C4-16-122,
C4-16-124, C4-16-166, C4-16-194,
C4-16-195, C4-16-196, C4-16-206,
C4-16-226, C4-16-275, C4-16-289,
C4-16-306, C4-16-375, C4-16-395,
C4-16-507, C4-16-544, C4-16-579,
C4-16-581, C4-16-745, and C4-16-759
Attorney Registration No. 312682
(Allegheny County County)

Dear Ms. Frankston-Morris:

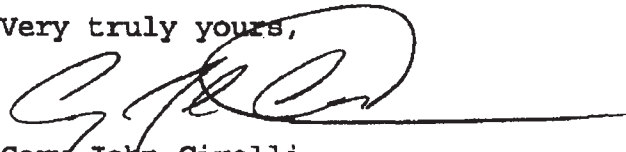
Attached, please find the Resignation pursuant to Rule 215, Pennsylvania Rules of Disciplinary Enforcement (Discipline on Consent), executed by the subject attorney, Daniel James Domenick, in regard to the disciplinary matter pending against him at the numbers indicated above.

Julia M. Frankston-Morris, Esquire
Page Two
February 10, 2017.

Mr. Domenick's prior disciplinary record is as follows:
Emergency Temporary Suspension pursuant to Rule 208(f)(1),
Pa.R.D.E. Mr. Domenick has not been reinstated to the Bar of this
Commonwealth.

Please forward the Rule 215 Resignation to the Supreme Court
immediately.

Very truly yours,



Cory John Cirelli
Disciplinary Counsel

CJC/mb

Attachment

cc: (w/encl.)

Paul J. Killion, Esquire, Chief Disciplinary Counsel
Paul J. Burgoyne, Esquire, Deputy Chief Disciplinary Counsel
Robert L. Stasa, Esquire, Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2243 Disciplinary Docket
: No. 3
Petitioner :
: No. 13 DB 2016 - Disciplinary Board
: (File Nos. C4-14-374, C4-15-846,
vs. : C4-15-847, C4-15-906, C4-15-985,
: C4-15-990, C4-16-35)
:
: AND
:
: C4-16-56, C4-16-68, C4-16-72,
: C4-16-73, C4-16-97, C4-16-99,
: C4-16-100, C4-16-109, C4-16-122,
: C4-16-124, C4-16-166, C4-16-194,
: C4-16-195, C4-16-196, C4-16-206,
: C4-16-226, C4-16-275, C4-16-289,
: C4-16-306, C4-16-375, C4-16-395,
: C4-16-507, C4-16-544, C4-16-579,
: C4-16-581, C4-16-745 and C4-16-759
:
DANIEL JAMES DOMENICK, : Attorney Registration No. 312682
:
Respondent : (Allegheny County)

RESIGNATION PURSUANT TO
RULE 215, PENNSYLVANIA RULE OF DISCIPLINARY ENFORCEMENT

Daniel James Domenick, Esquire, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. ("Enforcement Rules"), and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about January 3, 2012. His attorney registration number is 312682. He remains on suspension by Order of Your Honorable Court dated February 22, 2016, issued pursuant to Rule 208(f)(1), Pa.R.D.E.

FILED

2/10/2017

The Disciplinary Board of the
Supreme Court of Pennsylvania

2. He desires to submit his resignation as a member of said bar.

3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.

4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with, and acted upon the advice of counsel in connection with his decision to execute the within resignation.

5. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by service of letter requests for statements of Respondent's position (Form DB-7), and by other means of notice acceptable to Respondent and his counsel, as summarized and enumerated in Exhibit "A," the Statement of Material Facts.

6. He acknowledges that the material facts upon which the complaint is predicated contained in Exhibit "A" are true.

7. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

8. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for

reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

9. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

10. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

11. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e) (1).

12. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 4th day of February,

2017.


Daniel James Domenick

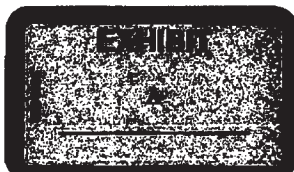
WITNESS: 
Robert Stasa, Esquire

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2243 Disciplinary Docket
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: C4-16-226, C4-16-275, C4-16-289,
: C4-16-306, C4-16-375, C4-16-395,
: C4-16-507, C4-16-544, C4-16-579,
: C4-16-581, C4-16-745 and C4-16-759
:
DANIEL JAMES DOMENICK, : Attorney Registration No. 312682
:
Respondent : (Allegheny County)

STATEMENT OF MATERIAL FACTS

1. As of January 31, 2011, the Federal Trade Commission (FTC) Mortgage Assistance Relief Services (MARS) Rule was in effect for the purpose of protecting financially-distressed homeowners from mortgage relief scams. Among other things, the MARS Rule bans mortgage relief providers from collecting fees in advance of the consumer having been provided with: [1] a written offer from their lender or loan servicer that the consumer finds acceptable; and, [2] a written document from the lender or loan servicer describing



the key changes to the mortgage that would result if the consumer accepted the offer.

2. Although the MARS Rule provides for an "attorney exemption," attorneys who want to avail themselves of the exemption are required by the Rule to: [1] be engaged in the practice of law; [2] be licensed in the state where the consumer or the dwelling is located; [3] comply with state laws and regulations governing attorney conduct related to the Rule; and [4] place any fees they collect in a client trust account and abide by state laws and regulations governing such accounts.

3. Respondent, who is admitted to the Pennsylvania Bar and the New Jersey Bar, conducted a law practice that consisted mostly of contracting with clients who reside, and whose realty is located, in states other than Pennsylvania and New Jersey, where he is admitted to practice law.

4. Respondent agreed to provide clients with "pre-trial services" and "limited scope representation" in prosecuting financial hardship and wrongful foreclosure actions, including advising clients, drafting pleadings, and attempting to negotiate new terms for the clients' mortgages with lenders and/or loan servicers.

5. Respondent agreed to undertake the representations in exchange for both a substantial advance payment of fee, and continuing monthly installment advance payments of fee, which were typically debited directly from the clients' bank accounts with the written approval of the clients.

6. Respondent was entrusted with the advance payments of fee he collected from each client.

7. Respondent failed to maintain separate from his own property the fee advances he collected from the clients and failed to perform work sufficient to earn the fees.

8. Respondent attempted to secure local counsel to assist him in representing clients in the jurisdictions where he was not admitted to practice law. However, in regard to most of the complainants herein, Respondent was unsuccessful in retaining local counsel to handle the clients' legal matters.

9. Respondent failed to withdraw promptly from those representations where he was unable to secure local counsel on behalf of his clients, and to terminate the monthly installment advances of fees he was collecting.

10. Respondent engaged in the unauthorized practice of law in multiple jurisdictions.

11. Respondent charged and collected illegal and/or clearly excessive fees for the services he was hired to perform, both in jurisdictions where he is admitted to the bar and those where he is not admitted.

12. Respondent collected exorbitant fees from clients involved in mortgage foreclosure actions, some of whom were persons least able to afford to pay counsel fees.

13. Respondent failed to refund the illegal and/or clearly excessive unearned fees to his clients.

14. The complaints against Respondent arose, in part, from his association with [A], a non-lawyer.

15. Respondent was 26 years of age when he was admitted to the Bar of the Commonwealth of Pennsylvania in January 2012.

16. Respondent, upon graduation from law school, had student loan debt in excess of \$230,000, but was initially unsuccessful in finding employment.

17. In or about August 2013 Respondent answered an advertisement on Craig's List for an "associate attorney," and he was hired by Williams Legal Group, a law firm affiliated with [A] and holding itself out as a national mortgage debt relief entity.

18. Williams Legal Group operated in accordance with a

business model adopted and marketed by [A].

19. Respondent thereafter opened his own law practice, Domenick Legal Group, in association with, and operated according to [A]'s business model.

20. [A]'s Ohio real estate license was revoked in 2009, unbeknownst to Respondent.

21. [A] required that Respondent's law practice utilize the fee structure established by [A].

22. [A] falsely assured Respondent that his business model had been challenged by disciplinary authorities in several states, survived those challenges, and had been found to be ethically proper. Respondent relied upon [A]'s false representations.

23. A percentage of the legal fees Respondent collected from his clients was taken by [A], with Respondent's knowledge and agreement, in accordance with the business model under which Domenick Legal Group was operated by Respondent.

24. Respondent retained approximately 12% - 27% of the gross receipts that he collected from each client.

25. [A] had access to, and control of, Respondent's bank accounts, including his IOLTA, with Respondent's agreement and acquiescence. In addition, [A] placed one of his employees in the

position of bookkeeper with Domenick Legal Group.

26. [A] was able to issue electronic checks (e-checks), made payable to Domenick Legal Group, and drawn on the accounts of Respondent's clients because Respondent had requested, pursuant to [A]'s business model, that the clients sign authorization forms to enable direct debits from their respective bank accounts.

27. Respondent began to experience feelings of remorse and depression upon realizing the situation in which he had placed himself.

28. Respondent sought and obtained the assistance of Lawyers Concerned for Lawyers in the Fall of 2015. In 2016 he entered and completed inpatient treatment. He continues to attend support meetings 1 - 3 times per week.

29. Toward the end of 2015 Respondent eventually took steps to extricate himself from his association with [A].

30. By January 1, 2016, Respondent had severed all ties with [A], and briefly operated his law office independently.

31. By Order of the Supreme Court of Pennsylvania dated February 22, 2016, Respondent was placed on Emergency Temporary Suspension from the practice of law pursuant to Rule 208(f)(1),

Pa.R.D.E., for conduct giving rise to a continuing threat of immediate and substantial public and private harm. Respondent remains temporarily suspended.

32. The following is a list of clients who were harmed by Respondent's misconduct:

<u>File No.</u>	<u>Client</u>	<u>Jurisdiction</u>	<u>Date Hired</u>	<u>Total Fees Collected</u>
C4-14-374	Gray	North Carolina	12/2014	\$ 7,900
C4-15-846	Austin	Texas	4/2015	\$ 7,200
C4-15-847	Yates	North Carolina	9/2014	\$21,500
C4-15-906	Bartley	South Carolina	9/2015	\$ 5,769
C4-15-985	Fleming	Texas	2/2015	\$19,300
C4-15-990	Nobahar	Georgia	6/2015	\$ 7,550
C4-16-35	Dwyer	New York	4/2015	\$16,850
C4-16-56	Jones	Pennsylvania	4/2015	\$16,345
C4-16-68	DiFrancia	New York	4/2015	\$12,245
C4-16-72	Bannister	New Jersey	12/2014	\$24,900
C4-16-73	Hall	Florida	5/2014	\$27,050
C4-16-97	Formanek	Maryland	1/2015	\$15,950
C4-16-99	Zito	Georgia	5/2015	\$15,950
C4-16-100	Kazi	Illinois	3/2015	\$18,500
C4-16-109	Scheiderich	Maryland	5/2015	\$ 7,200
C4-16-122	Sponeburgh	Pennsylvania	7/2015	\$13,450
C4-16-124	Parent	Florida	11/2014	\$22,200
C4-16-166	Jones	California	2/2015	\$17,300
C4-16-194	McMenimen	Massachusetts	12/2014	\$19,400
C4-16-195	Hromalik	Texas	12/2014	\$21,995
C4-16-196	Leahy	New Jersey	4/2015	\$12,150
C4-16-206	Young	Texas	3/2015	\$15,950

C4-16-226 Pabian	Illinois	6/2015	\$13,495
C4-16-275 Bloom	Pennsylvania	11/2014	\$26,950
C4-16-289 Russo	New Jersey	7/2015	\$12,200
C4-16-306 North	Pennsylvania	6/2015	\$ 8,950
C4-16-375 Kanterakis	New York	8/2015	\$ 5,300
C4-16-395 West	New Jersey	9/2015	\$10,950
C4-16-507 Thompson	Pennsylvania	9/2014	\$22,450
C4-16-544 Polan	Ohio	9/2014	\$14,700
C4-16-579 Ramas	North Carolina	11/2014	\$25,500
C4-16-581 Meyer	California	8/2015	\$10,950
C4-16-745 Richburg	Maryland	5/2014	\$11,500
C4-16-759 Beekman	Pennsylvania	3/2014	\$18,754
<hr/>			
Total			\$509,853
<hr/>			
<hr/>			

33. The following is a list of the relevant Rules of Professional Conduct for all jurisdictions known to have been affected by Respondent's conduct. Pursuant to Pennsylvania Rule of Professional Conduct 8.5(b)(1) and 8.5(b)(2) ("Disciplinary Authority; Choice of Law"), Respondent violated:

<u>Jurisdiction</u>	<u>Rules of Professional Conduct</u>
California	1.1(a), 1.4(a)(4), 1.5(a), 1.15(a), 1.15(e), 1.16(a)(1), 1.16(e)(2), 5.5(a)(1), 8.4(c), 8.4(d)
Florida	4-1.1, 4-1.3, 4-1.4(3), 4-1.4(4), 4-1.4(5)(a)(1), 4-1.15, 4-1.16(a)(1), 4-1.16(d), 4-5.5(a), 4-8.4(d), 5-1.1(a), 5-1.1(e)
Illinois	1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.5(a), 1.15(a),

1.15(d), 1.16(a)(1), 1.16(d), 5.5(a), 8.4(d)

Maryland 19-301.1, 19-301.3, 19-301.4(a)(2), 19-301.4(a)(3),
19-301.5(a), 19-301.15(a), 19-305.5(a), 19-308.4(c),
19-308.4(d)

New Jersey 1.1(a), 1.3, 1.4(b), 1.4(c), 1.5(a), 1.15(a),
1.15(b), 1.16(a), 1.16(d), 8.4(c), 8.4(d)

New York 1.1(a), 1.3(a), 1.3(b), 1.4(a)(3), 1.4(a)(4),
1.4(b), 1.5(a), 1.15(a), 1.16(b)(1), 1.16(e),
5.5(a), 8.4(c), 8.4(d)

North Carolina 1.1, 1.3, 1.5(a), 1.15-2(a), 1.15-2(m), 1.16(a)(1),
1.16(d), 5.5(a), 8.4(c), 8.4(d)

Ohio 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(a),
1.15(c), 1.15(d), 1.16(a)(1), 1.16(d), 5.5(a),
8.4(c), 8.4(d)

Pennsylvania 1.3, 1.4(a)(3), 1.4(a)(4), 1.5(a), 1.15(b), 1.16(d),
8.4(c)

South Carolina 1.1, 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(a), 1.15(a),
1.15(c), 1.16(a)(1), 1.16(d), 5.5(a), 8.4(c), 8.4(d)

Texas 1.01(a)(1), 1.01(b)(1), 1.03(a), 1.03(b), 1.04(a),
1.14(a), 1.15(a)(1), 1.15(d), 5.05(a), 7.02(a)(1),
8.04(a)(2), 8.04(a)(3)